

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

Sep 12, 2023

SEAN F. MCAVOY, CLERK

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

TONY J. BOLEN (1),

Defendant.

No. 2:23-CR-00074-MKD-1

PROTECTIVE ORDER REGARDING  
IDENTIFICATION OF MINOR  
VICTIMS PURSUANT TO 18 U.S.C. §  
3509

**ECF No. 31**

The Court has received and reviewed the Stipulation for Protective Order Regarding Identification of Minor Victims Pursuant to 18 U.S.C. § 3509, filed by the parties in the above-captioned matter, and is fully advised.

Accordingly, **IT IS HEREBY ORDERED:**

1. GOOD CAUSE HAVING BEEN SHOWN, the Court hereby ORDERS that the Stipulation for Protective Order Regarding Identification of Minor Victims Pursuant to 18 U.S.C. § 3509, **ECF No. 31**, filed by the parties is **GRANTED**.

2. IT IS FURTHER ORDERED that the privacy protection measures mandated by 18 U.S.C. § 3509(d), which apply when a case involves a person under the age of

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1 eighteen years who is alleged to be a victim of a crime of sexual exploitation, or a witness  
2 to a crime committed against another person, apply to this case.

3 3. IT IS FURTHER ORDERED that all persons acting in this case in a capacity  
4 described in 18 U.S.C. § 3509(d)(1)(B), shall:

- 5 a. Keep all documents that disclose the names, identities, or any other  
6 information concerning minors in a secure place to which no person  
7 who does not have reason to know their contents has access;
- 8 b. Disclose such documents or the information in them that concerns  
9 minors only to persons who, by reason of their participation in the  
10 proceeding, have reason to know such information;
- 11 c. Not permit Defendant himself to review discovery outside the presence  
12 of defense counsel or a defense investigator;
- 13 d. Not permit Defendant to keep discovery in his own possession outside  
14 the presence of defense counsel or a defense investigator; and
- 15 e. Not permit Defendant to keep, copy, or record the identities of any  
16 minor or victim identified in discovery in this case.

17 4. IT IS FURTHER ORDERED that all papers to be filed in Court that disclose  
18 the names or any other information identifying or concerning minors shall be filed under  
19 seal without necessity of obtaining a Court order, and that the person who makes the filing

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1 shall submit to the Clerk of the Court:

2 a. The complete paper to be kept under seal; and

3 b. The paper with the portions of it that disclose the names or other  
4 information identifying or concerning children redacted, to be placed  
5 in the public record.

6 5. IT IS FURTHER ORDERED that the parties and the witnesses shall not  
7 disclose minors' identities during any proceedings connected with this case. The parties  
8 and witnesses will refer to alleged minor victims only by using agreed-upon initials or  
9 pseudonyms (e.g., "Minor 1"), rather than their bona fide names, in motions practice,  
10 opening statements, during the presentation of evidence, in closing arguments, and during  
11 sentencing.

12 6. IT IS FURTHER ORDERED that the government may produce discovery to  
13 the defense that discloses the identity and images of alleged minor victims in this case, in  
14 order to comply with the government's discovery obligations. Defendant, the defense  
15 team, Defendant's attorneys and investigators, and all of their externs, employees, and/or  
16 staff members, shall keep this information confidential as set forth above.

17 7. IT IS FURTHER ORDERED that this ORDER shall apply to any attorneys  
18 who subsequently become counsel of record, without the need to renew or alter the  
19 ORDER.

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1           8.     IT IS FURTHER ORDERED that this ORDER shall apply to the personal  
2 identifying information and images of any minors who are identified over the course of  
3 the case, whether or not such minors are known to the government and/or Defendant at  
4 the time the ORDER is entered by the Court.

5           IT IS SO ORDERED. The Clerk shall enter this Order and furnish copies to  
6 counsel.

7           DATED September 12, 2023.

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9                                 s/Mary K. Dimke  
10                                MARY K. DIMKE  
11                                UNITED STATES DISTRICT JUDGE  
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